

Morgan Lewis

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January 15, 2025

VIA ECF

Hon. Denise L. Cote
United States District Court, Southern District of New York
500 Pearl St., Room 1910
New York, New York 10007

Re: Davila, et al., v. Bank of America, Corp, et al., Civil Action No. 24-cv-08526

Dear Judge Cote:

On behalf of Defendants Bank of America Corporation and Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Defendants"), and together with counsel for Plaintiffs Linda Davila and Cathy Bender ("Plaintiffs"), we write to respectfully request a stay of Defendants' January 17, 2025 deadline to respond to Plaintiffs' complaint and an adjournment of the January 30, 2025 initial pre-trial conference.

As previously raised in Defendants' January 8, 2025 request for an adjournment, the parties have been working cooperatively together to determine if this matter can be resolved and dismissed without court intervention. The discussions are complicated, and the parties continue to believe that their chances for a resolution will be enhanced by focusing their resources on their continuing discussions rather than on Defendants' responsive pleading and the initial pre-trial conference. They also believe that staking out their litigation positions through Defendants' anticipated motion and at the Court conference will upset the status quo and negatively impact the negotiations. Accordingly, the parties respectfully request a stay of Defendants' January 17, 2025 deadline to respond to Plaintiffs' complaint and an adjournment of the January 30, 2025 initial pre-trial conference.

If the parties are unable to reach a resolution by February 21, 2025, the parties will either provide the Court with a status report regarding their settlement efforts or, if those efforts have concluded without success, the parties will notify the Court, propose a new deadline for Defendants to file their response to Plaintiffs' complaint and request that the initial pre-trial conference be rescheduled at the Court's earliest convenience.

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*Answer shall be
due 1/30/25.
The conference is adjourned
to 2/25/25 at 2 pm.
There shall be no
further adjournments.
Denise Cote
1/16/25*

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This is Defendants' first request for a stay of their deadline to respond to Plaintiffs' complaint and the parties' second request for an adjournment of the conference. The parties' requests will not affect any other scheduled dates in this matter.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Brendan T. Killeen
Brendan T. Killeen

cc: Linda D. Friedman, Esq. (via ECF)
Jennifer Schoen Gilbert, Esq. (via ECF)
George S. Robot, Esq. (via ECF)
Suzanne E. Bish, Esq. (via ECF)